HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 519 (S/S) 06:

Radhey Shyam Sharma S/o late Natu Ram Sharma,
R/o Roop Nagar, Haldawni,
District Nainital. ------- Petitioner.

Vs.

1. State of Uttaranchal through its secretary Finance,
   Civil Secretariat, Dehradun,
2. Registrar, Firm, Societies and Chits,
   8-A, Bangali Mohalla, Karampur, Dehradun,
3. Deputy Registrar, Firm, Societies & Chits,
   Kumaon Region, Haldwani, Nainital,
4. State of Uttar Pradesh, through Secretary, Finance,
   Civil Secretariat, Lucknow,
5. Registrar, Firm Societies & Chits, Uttar Pradesh,
   Vikas Deep III Floor,
   Station Road, Lucknow. --------Respondents.

Sri Anil K. Joshi, learned counsel for the petitioner.
Ld. Standing Counsel for State of Uttaranchal/respondent nos. 1,2 & 3.
Smt. Beena Pandey, ld. Standing Counsel for State U.P./respondent no. 4 & 5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Anil K. Joshi, learned counsel for the petitioner, learned Standing Counsel for State of Uttaranchal/respondent no. 1,2, & 3. and Smt. Beena Pandey, ld. Standing Counsel for State of U.P./respondent nos. 4 & 5.

2. The petitioner has filed the present writ petition for the following reliefs:-

(1) Issue a writ, order or direction in the nature of mandamus commanding the respondent on. 1 to 3 to send the service record and record to State of Uttar Pradesh, or

In alternate issue a writ, order or direction in the nature of mandamus commanding the respondent no. 4 and 5 to relieve the petitioner for state of Uttaranchal till the

decision of the cases of the employees who have been allocated to State of Uttaranchal.

(2) Issue a writ, order or direction in the nature of mandamus commanding the respondent no. 4 & 5 to pay the salary to the petitioner alongwith arrears since September 2005 alongwith interest at the rate 18% per annum.

(3) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case, may also be passed,

(4) Allow the writ petition with cost throughout.

3. Submission of the learned counsel for the petitioner is that the petitioner is Junior Clerk working with the Registrar, Firm, Societies & Chits, Dehradun and was posted in the office of Deputy Registrar, Firm, Societies & Chits Kumaon Region, Haldwani, Nainital. The petitioner is a permanent resident of State of Uttar Pradesh. Prior to creation of State of Uttaranchal, he opted for State of Uttar Pradesh. The Union of India, while allotting the employees of Registrar Firm, Societies and Chits, finally allotted the petitioner for State of Uttar Pradesh and in pursuance of the order passed by the Union of India, the Registrar, Firm, Societies & Chits, Uttaranchal Dehradun vide its order dated 29.08.2005 relieved the petitioner to join in the State of U.P. The said order of Registrar, Firm, Societies and Chits is filed as annexure no. 1 to the writ petition. In pursuance of this order, the petitioner joined in State of U.P., however vide order dated 03.09.2005, the Registrar, Firm Societies & Chits, Dehradun has stayed the earlier order dated 29.08.2005 by which the petitioner was relived to State of U.P. This order is annexed as annexure no. 4 to the writ petition.

4. Since the petitioner had already joined in the State of U.P. in pursuance of the order dated 29.08.2005 and still working in the State of U.P., the prayer made by the petitioner appears to be genuine that his service record may be sent to the State of U.P.

5. Accordingly, I think it just and proper to direct the respondent no. 2 to send the necessary service records pertaining to the petitioner to State U.P. within a period of three weeks from the date of production of a certified copy of this order.

6. With this direction, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

April 17, 2006:
NCM: